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JUL 26 2004

In re Application of : OFFICE OF PETITIONS
Thomas Wilhelmus Engelen et al. :
Application No. 10/608,502 : DECISION ON
Deposited: June 30, 2003 : PETITION
Attorney Docket No. P304563-WIT/P58129US :

This is a decision on the petition filed June 28, 2004 under 37 CFR 1.53 to accord a filing date.

Application papers in the above-identified application were deposited June 30, 2003. However, on June 1, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application had not been accorded a filing date because a complete specification with at least one claim, as prescribed by 35 U.S.C. 112 was missing.

In response to the Notice mailed June 1, 2004, petitioner properly proffered a copy of a date stamped return receipt which corroborated petitioners assertion that the application had been filed with a four (4) page specification, (at least one claim was included in the proffered specification).

Based on petitioners' representations it appears that the specification and drawings were present in the Office on June 30, 2003. However, as required, copies of the complete application papers filed on June 30, 2003 are not filed with the instant petition. Thus, the petition is **DISMISSED** without prejudice to reconsideration because petitioners have not supplied a copy of the specification filed on June 30, 2003. The specification submitted with the petition is not four (4) pages in length as indicated on the postcard receipt. Petitioners must supply copies of the specification with a renewed petition.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing as an incomplete application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497. Also, effective September 28, 2004, the telephone number for the Office of Petitions will change to (517) 272-3282.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions